

MINUTES
TOWN OF MILLIKEN
TOWN BOARD OF TRUSTEES
Milliken Community Complex
January 25, 2006
5:00 p.m.

Attendance: Mayor Linda Measner, Mayor Pro Tem Janie Lichtfuss, Trustees Pat Onorato, Milt Tokunaga, Roger Frank, Gary Frank and Peggy Wakeman. Also present were Town Engineer Larry Ketcham, Finance Director Diana Vasquez, Senior Coordinator Lois Ann Onorato, Police Chief Jim Burack, Public Works Director Michael Woodruff, and Town Clerk Gayle Martinez. Town Manager J.R. Schnelzer, Town Attorney Bruce Fickel, press and audience were also present.

SPECIAL MEETING

Dove Valley Senior Housing- Rich Ekwall of the Loveland Housing Authority gave the Town Board an update on the Dove Valley project. Mr. Ekwall reported that bids went out on Monday and that as of this meeting three sets of plans have been picked up. Mr. Ekwall hopes that the project will be able to start by March 1st, 2006. He further went on to explain that seven bids have gone out for financing the project. Mr. Ekwall passed out a budget summary noting that it had originally been around \$3.5 million and has increased to roughly \$4 million. Most of the increase was due to landscaping requirements and the costs associated with them. Town Planner Ortiz handed out a chart showing comparisons in landscaping costs for Milliken, Johnstown, Fort Collins, Evans, Loveland, Berthoud and Windsor. Planner Ortiz also stated that Johnstown, Windsor and Berthoud require more landscaping than Milliken. Mr. Ekwall replied that they want the development to be aesthetically pleasing while remaining affordable. Mr. Ekwall went on to state the maintenance issues with landscaping noting that irrigation is actually more expensive than the actual landscaping. He added that as much xeriscaping is being used as possible. Planner Ortiz noted that landscaping definitely adds to the value of the property.

REGULAR MEETING

Mayor Measner called the regular meeting to order at 6:20 p.m.

PLEDGE OF ALLEGIANCE

Mayor Measner led the audience in the Pledge of Allegiance.

ADDITIONS TO THE AGENDA

Mayor Pro Tem Lichtfuss asked to have a procedure item added to the agenda.

Town Clerk Martinez asked to have the following items moved to the consent agenda:

1. Purchase Order Approval for the Phone System.
2. Ordinance #531 Conversion of C–BT Temporary Use Permits to Annually Renewable Water contract.

Clerk Martinez then asked to have the following items removed from the agenda:

1. Discussion of Special Improvement Districts vs. Metro Districts – Alan Matlosz
2. Resolution 06-02 Authorizing the Agreement with the Great Outdoors Colorado Grant – Donna Derrera
3. Milliken All American Cities 2006 Application – Donna Derrera
4. Discussion of Martin Luther King, Jr., Holiday – Peggy Wakeman

AUDIENCES WITH INDIVIDUALS

There was none.

REPORTS FROM BOARD MEMBERS REGARDING OTHER MEETINGS

There was none.

CONSENT AGENDA

Motion to approve the following items was made by Trustee Roger Frank, seconded by Trustee Onorato:

1. **List of Bills** for January 25, 2006.
2. **Ordinance #533** Approving Preliminary and Final Plats, Preliminary and Final PUD Development Plan, and Development Agreement for the Dove Valley Subdivision.
3. **Ordinance #529** Formal Implementation of Water Rate Structure for 2006.
4. **Ordinance #530** Formal Implementation of Sanitary Sewer Rate for 2006.
5. **Ordinance #531** Conversion of C-BT Temporary Use Permits to Annually Renewable Water Contract.
6. Approval of the Purchase Order for the **Phone System**.
7. Approval of Minutes from November 9th and 22nd, December 14th and 28th, 2005, and January 11th, 2006.

Discussion: Trustee Tokunaga asked to have the spelling of his name corrected on the November 9th minutes and to add that he had asked to have the water rates reviewed in either July or August. Trustee Wakeman noted that she had meant to say

that she suggested taking \$200,000 out of reserves and not out of Conservation Trust funds for the KQA Park in the minutes from November 22, 2006.

Vote: All in favor none opposed motion carried.

** Trustee Tokunaga abstained from voting on the phone system*

ACTION AGENDA

Johnstown –Milliken Chamber of Commerce Community Grant Request

Shane Durben from the Chamber thanked the Mayor and the Town for hosting the business after hours this month. He noted that the Chamber revised the request from their earlier request and is asking for a total of \$3,800. \$1,800 of the amount will be for maps of the towns and the Chamber will provide the map digitally to the Town. The other \$2,000 would be spent on economic development.

Motion to approve a community grant for the Johnstown-Milliken Chamber of Commerce in the amount of \$3,800 was made by Mayor Pro-Tem Lichtfuss, seconded by Trustee Roger Frank.

Vote: All in favor none opposed motion carried.

Milliken Resource Center Community Grant Request

Barbara Marshall and Deb Eaves reported that they recently established a board for the resource center. They are asking to use the Town Swimming Pool as a temporary location for a food bank and they will eventually have clothing and household items. Ms. Marshall and Ms. Eaves explained that there is a large need for emergency food boxes in the Milliken area. The \$12,000 the group is requesting would primarily be used to pay a part-time coordinator. After much discussion, consensus of the Board was that before consideration was given the group would need to make more progress and have more funding available than just \$750 from Sam's Club, and expecting the remaining amount to be funded by the Town.

Motion to deny the request and perhaps reconsider in the future after the group has received their 501C3, provides more tangible statistics, and shows more funding entities was made by Mayor Pro-Tem Lichtfuss, seconded by Trustee Roger Frank.

Vote: All in favor none opposed motion carried.

Greeley Weld Economic Development Presentation

Larry Burkhardt explained that his company works with primary sector employers to produce jobs. His company works with local businesses all over Weld County. Mr. Burkhardt left several pamphlets on the different programs.

PUBLIC HEARINGS

Flack Annexations 1-6 and PUD Zoning

Mayor Measner opened the public hearing:

Town Planner Danna Ortiz introduced Dr. Dwayne Flack. Dr. Flack told the Board that he appreciated the opportunity to come before them. Dr. Flack introduced his wife, daughter and grandson, who are all involved in the development, along with Stan Sessions who is head of marketing and sales. Dr. Flack then introduced Sean Phipps from Pickett Engineering.

Mr. Phipps gave a brief overview of the project and the annexation route.

The following items were presented to the Board:

- A. Vicinity maps.
- B. Land use, noting that the development will be located in a secondary growth boundary with the primary land use being rural in character. There will be a bridal path trail system and an equestrian center.
- C. Site Description – PUD zoning with AE, RE and R1. A combination of acreage and patio homes.
- D. Site Photos – some of the greatest assets to the development are provided by the view corridors on the bluffs.

Mr. Phipps presented an overview of the layout for the subdivision, noting that they will have an agreement with the oil company before they return with the preliminary plat. Mr. Phipps went on to state that there will be a commercial slot for an equestrian center and a possible filling station, convenience store and restaurant.

City of Evans Attorney Russ Anson brought up the following points of contention with the project:

- A. No petition has been signed by Waste Management. Attorney Anson went on to say that the annexation would cause a parcel split for Waste Management with half their parcel in the County and half in Milliken. Statute notes that a parcel cannot be split.
- B. The Public Service Company will not give consent until there is an annexation agreement.
- C. There is insufficient information on the impact report.
- D. Statement of Municipal Services to be performed at the time of annexation cannot be done without permission from the 208 Board and the development of an IGA with Evans.
- E. Milliken did a comprehensive plan change in 2004 without notifying Evans.

City of Evans Public Works Director Earl Smith made the following statements:

- A. Any changes to the 208 Plan would require amendments.
- B. The City of Evans has been planning since 1995 to provide sewer service to this area.
- C. The area has been part of Evans 208 area for eight years.
- D. Pickett Engineering stated that it would be cheaper to provide service from Milliken at \$1.75 million than to provide service to Evans at \$2.9 million. Mr. Smith went on to state that the figures did not take into account the cost of a lift station and that the actual cost would be closer to 2.4 million for Milliken and 2.5 million for Evans. He stated that the estimate for Evans went far beyond what was actually needed and the true cost would be 2.1 million to use Evans which is a significant savings over Milliken providing service.
- E. Milliken's Tap fees are 39% higher than Evans.
- F. Mr. Smith noted that there would be significant impact to the City of Evans from use of their roads and parks by Milliken residents and that Evans would not receive any impact funds.

City of Evans Planner Jim Flesher made the following remarks:

- A. Milliken did a comprehensive plan change in 2004 without notifying Evans.
- B. If the plan is approved he would encourage an open space buffer along 65th Avenue where the patio homes will be built.
- C. Impact to Evans Streets will be roughly a quarter of a million dollars.
- D. Mr. Flesher feels the item should be tabled until an agreement on impact fees is reached.

Mayor Measner closed the public hearing on the Flack annexation.

Mayor Measner opened the public hearings on the Nobel Energy Use by Special Reviews.

Nobel Energy Use by Special Review- Hansen O 1-10 Well

Town Planner Danna Ortiz noted that Staff and Planning commission recommends approval of the Oil and Gas Conditional Use Permit Application with the following conditions:

1. The applicant shall submit an inspection fee of \$400 per well for each year or part year that the well has not been plugged or abandoned. The inspection fee shall be due after January 1 of each year and shall be paid within thirty (30) days after receipt of an invoice from the Town. Please note that the applicant is disputing this inspection fee and requests that the Planning Commission review the application with the understanding that this issue will be resolved with the Town Attorney.

2. Place the native seed mix that was approved by USFWS on the site plan along with the specific procedures that will be followed to ensure proper reclamation of the site.
3. Nobel shall use additional traffic controls (chase vehicles and flags) when moving the rig to and from this location.
4. Access roads shall be subject to review and approval by the Town Engineer in accordance with Section 16-9-170.
5. Applicant shall obtain a flood hazard development permit if required by the Town Engineer.
6. Place the following notes on the Site Plan:
 - a) The operator shall comply with all applicable state laws and regulations concerning noise.
 - b) To the maximum extent practicable, oil and gas facilities shall be located away from prominent natural features, such as distinctive rock and land forms, vegetative patterns, ditch crossings, Town-approved open space areas and other approved landmarks.
 - c) To the maximum extent practicable, oil and gas facilities shall be located to avoid crossing hills and ridges or silhouetting.
 - d) To the maximum extent practicable, exterior lighting shall be directed away from residential areas and shielded to eliminate glare.
 - e) The operator shall comply with all Commission rules with respect to abandonment and plugging of wells. The operator shall provide the Town with Commission Form 4 at the time it is filed with the Commission. The operator shall abandon flow lines in accordance with applicable state rules and regulations.
 - f) The operator shall comply with all Commission rules including those with respect to signage, seismic operations and site reclamation.
 - g) The operator shall not engage in any activities, which, in the opinion of the Colorado Division of Wildlife or U.S. Fish and Wildlife Services impact threatened or endangered species. Proposed construction activities shall begin after November 1st and must be completed prior to May 1st. Any cottonwood trees that are disturbed by the proposed construction are replaced with an equal number of green ash trees after construction is complete. Noble Energy shall care for these trees for a minimum of three years or until they are adequately established.
 - h) Noble shall reseed as necessary to reestablish vegetation and rehabilitation of the disturbed surface lands.
 - i) Any temporarily disturbed areas will be revegetated with the restoration native grass seed mix in the spring immediately following construction
 - j) The operator shall not disturb any wetlands or waters of the United States without the approval of the U.S. Army Corps of Engineers.

- k) Applicant shall minimize disturbance to the site to the maximum extent practicable.
- l) The proposed access road shall be subject to review and approval by the Town Engineer. The applicant will be responsible for maintaining the road as to provide a passable roadway free of ruts at all times.
- m) Prior to commencement of operations, building permits must be obtained for all aboveground structures to which the Uniform Building Code applies.
- n) Prior to commencement of operations, application for the conditional use permit must be approved and a notice to proceed shall be obtained from the Town Clerk upon receipt of items listed in Section 16-9-60 of the Milliken Land Use Code.

Within thirty (30) days after completion of operations, the applicant shall provide to the Town “as-built” drawings showing all facilities, pipelines, flow lines and gathering lines which the applicant has placed on the land subject to the conditional use. Planner Ortiz also noted that mouse mitigation has been done in the area.

Noble Energy Use by Special Review-Stroh O 2-7 Well

Town Planner Danna Ortiz noted that Staff and the Planning Commission recommend approval of the Oil and Gas Conditional Use Permit Application with the following conditions:

- 7. The applicant shall submit an inspection fee of \$400 per well for each year or part year that the well has not been plugged or abandoned. The inspection fee shall be due after January 1 of each year and shall be paid within thirty (30) days after receipt of an invoice from the Town. Please note that the applicant is disputing this inspection fee and requests that the Planning Commission review the application with the understanding that this issue will be resolved with the Town Attorney.
- 8. Noble shall reseed as necessary to reestablish vegetation and to rehabilitate the disturbed surface lands.
- 9. Access roads shall be subject to review and approval by the Town Engineer in accordance with Section 16-9-170.
- 10. Place the following notes on the Site Plan:
 - o) The operator shall comply with all applicable state laws and regulations concerning noise.
 - p) To the maximum extent practicable, exterior lighting shall be directed away from residential areas and shielded to eliminate glare.
 - q) The operator shall comply with all Commission rules with respect to abandonment and plugging of wells. The operator shall provide the Town with Commission Form 4 at the time it is filed with the Commission. The operator shall abandon flow lines in accordance with applicable state rules and regulations.
 - r) The operator shall comply with all Commission rules including those with respect to signage, seismic operations and site reclamation.

- s) The operator shall not engage in any activities, which, in the opinion of the Colorado Division of Wildlife or U.S. Fish and Wildlife Services impact threatened or endangered species.
- t) The operator shall not disturb any wetlands or waters of the United States without the approval of the U.S. Army Corps of Engineers.
- u) Applicant shall minimize disturbance to the site to the maximum extent practicable.
- v) The proposed access road shall be subject to review and approval by the Town Engineer.
- w) The applicant will be responsible for maintaining the road as to provide a passable roadway free of ruts at all times.
- x) Prior to commencement of operations, building permits must be obtained for all aboveground structures to which the Uniform Building Code applies.
- y) Prior to commencement of operations, application for the conditional use permit must be approved and a notice to proceed shall be obtained from the Town Clerk upon receipt of items listed in Section 16-9-60 of the Milliken Land Use Code.
- z) Within thirty (30) days after completion of operations, the applicant shall provide to the Town “as-built” drawings showing all facilities, pipelines, flow lines and gathering lines which the applicant has placed on the land subject to the conditional use permit.

Nobel Energy Use by Special Review-Star 15-6 Well, Star O 15-10 Well and Star O 15-23 Well

Town Planner Ortiz noted that staff and the Planning Commission recommend approval of the Oil and Gas Conditional Use Permit Application with the following conditions:

- 11. The applicant shall submit an inspection fee of \$400 per well for each year or part year that the well has not been plugged or abandoned. The inspection fee shall be due after January 1 of each year and shall be paid within thirty (30) days after receipt of an invoice from the Town. Please note that the applicant is disputing this inspection fee and requests that the Planning Commission review the application with the understanding that this issue will be resolved with the Town Attorney.
- 12. Access roads shall be subject to review and approval by the Town Engineer in accordance with Section 16-9-170.
- 13. Place the following notes on the Site Plan:
 - aa) The operator shall comply with all applicable state laws and regulations concerning noise.
 - bb) To the maximum extent practicable, exterior lighting shall be directed away from residential areas and shielded to eliminate glare.
 - cc) The operator shall comply with all Commission rules with respect to abandonment and plugging of wells. The operator shall provide the Town with

- Commission Form 4 at the time it is filed with the Commission. The operator shall abandon flow lines in accordance with applicable state rules and regulations.
- dd) The operator shall comply with all Commission rules including those with respect to signage, seismic operations and site reclamation.
 - ee) The operator shall not engage in any activities, which, in the opinion of the Colorado Division of Wildlife or U.S. Fish and Wildlife Services impact threatened or endangered species.
 - ff) The operator shall not disturb any wetlands or waters of the United States without the approval of the U.S. Army Corps of Engineers.
 - gg) Applicant shall minimize disturbance to the site to the maximum extent practicable.
 - hh) The proposed access road shall be subject to review and approval by the Town Engineer. The applicant will be responsible for maintaining the road as to provide a passable roadway free of ruts at all times.
 - ii) Prior to commencement of operations, building permits must be obtained for all aboveground structures to which the Uniform Building Code applies.
 - jj) Prior to commencement of operations, application for the conditional use permit must be approved and a notice to proceed shall be obtained from the Town Clerk upon receipt of items listed in Section 16-9-60 of the Milliken Land Use Code.
 - kk) Within thirty (30) days after completion of operations, the applicant shall provide to the Town “as-built” drawings showing all facilities, pipelines, flow lines and gathering lines which the applicant has placed on the land subject to the conditional use permit.
 - ll) Noble shall reseed as necessary to reestablish vegetation and to rehabilitate the disturbed surface lands.

Planner Ortiz also noted that she met with Nobel on the Star’s concerns over their Barn placement and Nobel will relocate the site an additional 130 feet to the East.

Pheasant Hills Minor Subdivision

Town Planner Ortiz gave a description of the project. Planner Ortiz noted that staff has been working with Lot Holding Investments, LLC and King Surveying to create a minor subdivision of the Pheasant Hills property. Pheasant Hills is located southeast of the intersection of Quentine (Weld County Road 21) and Inez. The purpose of the minor subdivision is to divide the property into 5 tracts to enable the landowner (Lot Holding Investments) to convey Tracts 1 (Reverse Osmosis Plant) and Tracts 5 (detention pond) to the Town of Milliken. The tract sizes are as follows:

Tract 1	0.341 acres
Tract 2	38.739 acres
Tract 3	42.486 acres
Tract 4	20.693 acres
Tract 5	50.076 acres

This proposal complies with the *Milliken Land Use Code*:

- The property has been previously platted within the Town and the resulting subdivision will produce only five tracts.
- The existing Reverse Osmosis Plant, detention pond, and agricultural uses are compatible uses and are permitted within the PUD zoning district.

Pheasant Hills comments summary:

1. Weld Re-5J School District – no conflicts.
2. Milliken Fire Protection District – no conflicts.
3. Mark A. Ghesquiere – no conflicts.
4. Kerr McGee:
 - a. Oil and gas rights may be adversely affected – recorded real property interest entitles KM to produce oil and gas from these lands.
 - b. Oil and gas underlying the Property have significant value, therefore KM is concerned about the surface use or plan of use that would restrict or preclude the use and enjoyment of these rights.
 - c. KM owns easements and rights-of-way on the Property within which KM has buried high pressure natural gas pipelines and a network of natural gas gathering lines. Care must be taken to ensure that uses of the surface estate approved by the Town above or near these pipelines and gathering line are consistent with both public safety and KM's legal rights of use.

Planner Ortiz noted that Lot Holding Investments will be required to enter into a surface use agreement with the mineral rights owners/lessees prior to development of the property.

Planner Ortiz went on to state that both Staff and Planning Commission recommends that the Town Board of Trustees approve this minor subdivision application.

ACTION AGENDA CONTINUED

Flack Annexation 1-6, A and PUD zoning

Town Planner Ortiz stated the following:

- A. The board has reviewed her staff report from January 19th, 2006, and it contains staff recommendations, all correspondence and referral letters.
- B. The annexation complies with the 1965 annexation map.
- C. A verbal agreement was received from Waste Management and the petition is caught up in red tape at Waste Management.

- D. The Police and Fire Chiefs have submitted letters in support of the annexation and have stated that covering the new area would not be a problem for either department.
- E. Concerning the land division of the Waste Management sight, the Town has a verbal agreement that the annexation will not result in a detachment from the school district.

Town Engineer Ketcham made the following remarks addressing the City of Evans Engineer Earl Smith's comments:

- A. The Town has a draft of the wastewater master plan.
- B. The report addresses the sewer flows.
- C. The Town has preliminary approval for the lift station.
- D. Engineer Ketcham would like a copy of the agreement that Evans has with Greeley.
- E. Milliken has received unanimous approval from the 208 Board for the lift station.
- F. Engineer Ketcham noted that the impact amount given was an arbitrary amount and that than actual amount could not be given without a study being conducted.

Milliken Town Attorney Bruce Fickel commented that he feels the issues between the two towns need to be dealt with but not at the time of annexation; the more appropriate time would be at the final plat. Attorney Fickel noted that staff of each town needs to discuss the matter. Attorney Fickel stated that Milliken does not want to head down the path of litigation and that the hearing should be continued to the next Board meeting.

Evans City Attorney Russ Anson noted that a verbal statement is not enough and that signed petitions were needed from Waste Management.

Motion to postpone the annexation request and public hearing for two weeks was made by Trustee Tokunaga, seconded by Trustee Gary Frank.

Vote: All in favor none opposed motion carried.

Nobel energy Use by Special Review for Hansen O 1-10 Well, Stroh O 2-7, Star O 15-6, 15-10 and, O 15-23 Wells

Motion to approve subject to staff conditions and the moving of the Star wells 130 feet to the east was made by Mayor Pro Tem Lichtfuss, seconded by Trustee Gary Frank.

Vote: All in favor none opposed motion carried.

Discussion of Colorado Quality Homes Paving Issue

Engineer Larry Ketcham noted that in the fourth and fifth phases of the Frank Farms subdivision, the top lift of pavement was not put in before the developer left. Colorado Quality Homes has 49 lots remaining in the subdivision and would like to propose paying the Town \$1,525 on each permit with the amount being earmarked to pay for the top lift of asphalt. Staff does not feel that this will set precedence. Staff is asking permission to finalize this agreement with the Town to pay upfront \$150, 000 which will go out to bid using funding from the general fund cash reserves and allow the funds to be paid back from permit revenue. Engineer Ketcham noted that Colorado Quality Homes has a consistent track record for permits and will guarantee a number of permits each year

Motion to authorized staff to negotiate an agreement with Colorado Quality Homes and to fund the paving project through permits with a provision to pay back the general fund was made by Mayor Pro-Tem Lichtfuss, seconded by Trustee Roger Frank.

Vote: All in favor none opposed motion carried.

Resolution 06-01 to add Milt Tokunaga to the Bank Signature Card

Finance Director Vasquez noted that the resolution removes former Board member Dave Johnston from the bank signature card and adds Trustee Tokunaga to the card.

Motion to approve made by Trustee Wakeman, seconded by Trustee Lichtfuss.

Vote: All in favor none opposed motion carried.

Pheasant Hills Minor Subdivision

Motion to approve was made by Trustee Wakeman, seconded by Mayor Pro-Tem Lichtfuss.

Vote: All in favor none opposed motion carried.

**Trustees Roger and Gary Frank abstained from voting on this item*

Award of Bid for the RO Plant

Town Engineer Larry Ketcham noted that staff has been working on the project of re-drilling the RO Well for quite some time. Four well-drillers were contacted and sent copies of the well design, and three well-drillers submitted bids. Engineer Ketcham reported that staff has discussed the bid results with representatives of Martin and Wood, and other consultants, and it is Staff's recommendation that the apparent low bidder, Quality Well and Pump, be disregarded due to deficiencies in the bid. Specifically, the well development and testing item is extremely low. After conversations with Chris Jones and with Quality Well and Pump, it appears Mr. Jones had included a total of eight hours for well development and testing. To put this into perspective, the Lesh Drilling proposal included 20 hours for

development and testing, and Dreiling Drilling included 40 hours of well development and testing.

The well design completed by Martin and Wood state that the well development is intended to repair damage to the borehole from the drilling process, to restore the aquifer to its natural hydraulic state, and to maximize the yield. Additionally, the report indicates that “This is the most important stage of the well construction and must not be omitted or improperly completed.”

Engineer Ketcham went on to say that staff must regrettably say the well design completed by Martin and Wood which was sent to the drillers did not specifically list the number of hours required for well development and testing – this was left to the well-drillers’ interpretation and experience. Quality Well and Pump is a relatively new company, as Chris Jones recently purchased the firm and its previous name was R & R Well and Pump. Both Lesh and Dreiling have established credentials and reputations.

Admittedly, the decision not to award to the low bidder is difficult. Due to the critical nature to this well as it pertains to the Town’s water supply, staff wants to ensure the maximum yield from this well.

Motion to approve the bid from Dreiling Drilling Company, Inc. be awarded the well drilling project for the RO Well No. 1, for a price not to exceed \$28,815.36 was made by Mayor Pro-Tem Lichtfuss, seconded by Trustee Roger Frank.

Vote: All in favor none opposed motion carried.

Excess Irrigation Water Lease to LG Everist

Town Engineer Larry Ketcham told the Board that the Town is expected to have excess water for the 2006 calendar year. L.G. Everist has indicated interest in leasing water from the Town at a rate of \$150 per acre-foot, so that they may count the excess water in their augmentation plan accounting.

Engineer Ketcham noted that the opportunity to lease this water, as it has done in previous years, is a great source of income for the water fund. If the Board accepts this offer; the Town will receive approximately \$6,289.50 for water that would otherwise flow downstream with no tangible benefit to the Town.

Engineer Ketcham stated that staff recommends entering into agreement with L. G. Everist for the lease of up to 41.93 acre-feet of excess irrigation water, at a lease rate of \$150 per acre-foot.

Motion to authorize the water lease agreement for L. G. Everist for irrigation water in 2006 for up to 41.93 acre-feet at \$150 per acre feet was made by Trustee Roger Frank, seconded by Trustee Onorato.

Vote: All in favor none opposed motion carried.

Milliken Housing Authority Board

Motion to set a public hearing to establish a housing authority in Milliken for the February 8, 2006 Board meeting, and publish it in the *Greeley Tribune*, which will be designated the official paper for this notice, was made by Mayor Pro-Tem Lichtfuss, seconded by Trustee Gary Frank.

Minutes Procedure Discussion

Mayor Pro-Tem Lichtfuss reported that she has passed the exam to be a registered parliamentarian and would like to share her knowledge of parliamentary law. Mayor Pro-Tem Lichtfuss stated that she has been concerned about the minutes being pulled the last two meetings. Parliamentary law does not allow minutes to be pulled. All changes must be done in a regular meeting. Changes made outside of a meeting are restricted to grammatical or spelling errors only. Mayor Pro-Tem Lichtfuss noted that she had e-mailed her parliamentary law instructor and has passed out the e-mail response she received from the instructor to the Board. In closing, Mayor Pro-Tem Lichtfuss stated that pulling the minutes causes more problems and projects a darker intent than dealing with problems in the meetings.

ADJOURNMENT

Mayor Measner adjourned the meeting at 9:30 p.m. as there was no further business.

Gayle Martinez, Town Clerk

Approved by the Board of Trustees

Linda L. Measner, Mayor